

Paige Graening
Counsel

December 15, 2004

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

**RE: DTE 03-128 – Motion of New England Power Company To Supplement Its
Motion for a Protective Order Regarding Critical Energy Infrastructure
Information**

Dear Secretary Cottrell:

Enclosed for filing are one (1) original and six (6) copies of the captioned materials. An electronic version is also enclosed on CD.

An additional copy of this filing letter is enclosed. Please date - and time-stamp the copy and return it to me in the enclosed self-addressed, stamped envelope.

Respectfully submitted,

s/Paige Graening

Paige Graening

cc: Selma Urman Hearing Officer
Diedre Matthews, Siting Division
William Febiger, Technical Director, Siting Division
Jolette Westbrook, General Counsel Siting Board
Amy Barad, Analyst Siting Division
Mary Beth Gentlemen, Esquire
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Enclosures

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THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NEW ENGLAND POWER COMPANY
25 Research Drive
Westborough, MA 01582

DTE 03-128

MOTION OF NEW ENGLAND POWER COMPANY
TO SUPPLEMENT ITS MOTION
FOR A PROTECTIVE ORDER
REGARDING CRITICAL ENERGY INFRASTRUCTURE INFORMATION

Now comes New England Power Company (“NEP”) seeking leave to supplement its previously filed Motion for a Protective Order regarding Critical Energy Infrastructure Information (“CEII”). Should the Department grant this Motion to Supplement, no Party would be prejudiced nor would the proceedings be delayed. In support of its Motion to Supplement, NEP says as follows:

1. On January 20, 2004, NEP filed a Motion for a Protective Order in DTE 04-4, accompanied by CEII material under seal. The purpose of that Motion plus the sealing of the CEII material was to prevent the release of information designated CEII to the general public as part of the hearing process.
2. On November 24, 2004, the Hearing Officer in DTE 04-4 issued a ruling that denied NEP’s Motion based on very narrow and specific facts at play in that docket. In so ruling, she stated, “I find that the documents for which the Company is seeking protective treatment have already been made public and, therefore, the Company’s Motion for confidential treatment is moot.”
3. In her ruling, the Hearing Officer suggested that, in the future, an entity making a request for confidential treatment “would be well advised to include in its motion a statement setting forth *to the best of its knowledge* the extent to which the documents in question are available to third parties via the internet or other means.” (emphasis added)

4. In accordance with the Hearing Officer's advice, NEP seeks to set forth that, *to the best of its knowledge*, the document submitted to the Department under seal in this docket, DTE 03-128, and marked Exhibit JWM-1 has not been made available to any third party via the internet or any other means.
5. Significantly, NEP developed the CEII material at issue here and in Docket 04-66 specifically for use in the respective dockets. The Intervenor in this docket have executed a Non-Disclosure Agreement under which it promises to keep confidential the CEII and to return it at the close of this proceeding. The Limited Participant in Docket 04-66 also executed the same substantive document.
6. The information presented in the CEII material marked Exhibit JWM-1 is highly sensitive in that it clearly shows the transmission system of northeastern Massachusetts plus the location, interconnection and regional relationship of specific facilities that comprise the transmission system. Should it fall into corrupt hands, it could be used to damage, stop or otherwise hamper the operation of the region's transmission system.
7. The CEII material marked Exhibit JWM-1 has not been made available to the public, but can be viewed by the Intervenor and by the Department. No other member of the public has expressed an interest in viewing the CEII material. Accordingly, it would be altogether proper for the Department to grant NEP's Motion for a Protective Order and this Motion to Supplement and to protect the CEII material marked Exhibit JWM-1 from public disclosure.

WHEREFORE, for the reasons set forth herein, NEP respectfully requests that the Department grant the requested Motion to Supplement and the underlying Motion, thereby protecting from public disclosure the CEII material marked Exhibit JWM-1.

Respectfully submitted,

NEW ENGLAND POWER COMPANY

s/Paige Graening

By _____

Counsel: Paige Graening, Esquire

25 Research Drive Westborough, MA 01582

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

D.T.E. 03-128

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon all parties in this proceeding in accordance with the requirements of 220 CMR 1.05(1).

December 15, 2004

Paige Graening, Esquire
25 Research Drive Westborough, MA 01582